

## **DRAFT COMPROMISES TERRORISME DIRECTIVE**

### **COMP 1: Compromise on convergence terrorism and organised crime (covering AM 1, 9, 62, 123, 126, 127)**

Recital 10 a (new)

(10a) The increasing convergence and nexus between terrorism and organised crime and the links between criminal and terrorist groups constitute an increased security threat to the Union. Member States should, therefore, ensure that the financing and the support of terrorist crimes by means of organised crime is made punishable and that the interlinks of organised crime and terrorist activities and terrorist financing are more explicitly taken into account by the authorities of the Member States involved in criminal proceedings.

### **COMP 2: Compromise on prevention (covering AMs 18, 23, 24, 61, 64, 66, 158, 161, 176, 177, 178, 179, 180, 195, 292)**

Recital 17a (new)

(17a) The prevention of radicalisation and recruitment of citizens of the Union by terrorist organisations requires a long-term, proactive and comprehensive approach, combining measures in the area of criminal justice with policies in the field of education, social- inclusion and integration, as well as the provision of effective de-radicalisation and exit programmes. Member States should share good practices on effective measures and projects in this field. Furthermore, Member States should share good practices on the use of effective alternative measures within the judicial approach to prevent citizens of the Union and third-country nationals legally residing in the Union from leaving the Union for terrorist purposes or to control their return to it from conflict zones. They should share such good practices not only among each other but also with third countries, where appropriate, as well as the relevant EU agencies.

Recital 17b (new)

(17b) Member States should pursue their efforts to prevent terrorism by coordinating their strategies and sharing the information and experience at their disposal, by implementing good practices at both Union and national level and by updating national prevention policies in accordance with the Union strategy for combating radicalisation and recruitment to terrorism. The Commission should, where appropriate, provide support to national, regional and local authorities in developing prevention policies.

Art 21a (cf Directive on Combating the sexual abuse and sexual exploitation of children and child pornography)

#### Prevention

1. Member States shall take appropriate measures to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations.
2. Member States shall take appropriate action, including through the Internet, such as the provision of information, education and awareness-raising campaigns and the development of alternative narratives to counter terrorist propaganda, where appropriate in cooperation with private companies, relevant civil society organizations, local communities and other stakeholders, aimed at raising awareness and reducing the risk of radicalization and recruitment by terrorist organizations.
3. Member States shall promote regular training for officials likely to come into contact with persons vulnerable to radicalization, including front-line police officers and prison guards, aimed at enabling them to identify signals of and deal with radicalisation and recruitment by terrorist organisations.

#### **COMP 3: Compromise on nuclear/chemical terrorist threat (covering AMs 87, 170)**

##### Recital 5a (new)

(5a) The threat of nuclear and radiological terrorism remains a significant challenge to international security. Countering this evolving threat demands strengthened international cooperation and increased support for the central role of the International Atomic Energy Agency, as well as stringent safety measures;

#### **COMP 4: Compromise on terrorist financing and aiding/abetting (covering AMs 8, 10, 11, 36, 37, 42, 43, 81, 82, 83, 84, 85, 86, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 293, 294, 295, 296, 297, 298, 299, 300, 301, 317, 325, 326, 327, ~~328~~, 329, 330, 331, 332, 333, 334, 335, 338, 374, 375, 407)**

##### Recital 5

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing, ~~by any means~~. These forms of behaviour should be punishable ~~also~~ if committed by any means, including through the Internet,

~~including social media~~, while respecting the principle of proportionality and necessity;

#### Recital 10

(10) Without prejudice to Directive 2015/849/EU of the European Parliament and of the Council, terrorist financing should be punishable in the Member States and cover not only the financing of terrorist acts, but also the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable

#### Recital 10a (new)

(10a) Illicit trade in firearms, oil, drugs, cigarettes and counterfeit goods and artworks and other cultural objects, as well as trade in human beings, racketeering and extortion have become very lucrative ways for terrorist groups to obtain funding. In seeking to combat terrorist financing, therefore, also the process that generates funding for terrorist organisations should be addressed.

While avoiding undue administrative burden for economic actors, Member States should take the necessary measures to ensure that terrorist groups may not benefit from any trading in goods ~~whose trading is considered to be vulnerable to terrorist financing is being monitored~~. ~~In this respect, a~~Appropriate and proportionate due diligence, monitoring and reporting requirements for goods whose trading is considered to be vulnerable to terrorist financing could have a preventative effect by materially impairing the trading activities of organised criminal groups and terrorist groups ~~as a source of terrorist financing~~ and by helping to track and prosecute organised crime and other commercial activities of terrorist organisations more effectively. Where appropriate, Member States should sanction breaches of these requirements.

#### Recital 10b (new)

(10b) Financial investigations are fundamental in uncovering the facilitation of terrorist offences and the networks and schemes of terrorist organisations. Such investigations may be very productive, particularly when tax and customs authorities, financial intelligence units and judicial authorities are involved at an early stage of the investigation. Member States should aim to make financial investigations a standard component of all counter-terrorist investigations and to share relevant financial intelligence information among all relevant actors. In their efforts to prevent, investigate and combat terrorist financing, Member States should make utmost use of Europol's financial intelligence and counter

terrorist financing capabilities, as well as endeavour to ensure a more efficient and coordinated approach, for instance by establishing specialised units at national level to deal with financial investigations linked to terrorism, which may have considerable added value and contribute substantially to securing successful prosecutions.

#### Recital 11

(11) The provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union, should be punishable in the Member States as aiding and abetting terrorism or as terrorism financing if performed with the clear knowledge that these operations or the proceeds thereof are intended to be used, in full or in part, for terrorist purposes or will benefit terrorist groups.

Article 11 (cf. CoE additional protocol + Directive on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing)

#### Article 11

##### Terrorist financing

1. Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intention that they be used, or in the knowledge that they are to be used, in full or in part, in order to commit any of the offence(s) referred to in Articles 3 to 10, and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally.
2. Member states shall take the necessary measures to ensure the freezing or seizure and confiscation of any funds and other assets used or allocated for the purpose of committing or attempting to commit any of the offences referred to in this Directive .

#### Article 16

##### Aiding or abetting, inciting and attempting

1. Each Member State shall take the necessary measures to ensure that aiding or abetting an offence referred to in Articles 3 to 8 and 11 to 14 is made punishable.
2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles 3 to 14 is made punishable.

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3, 6, 7, 9 and 11 to 14, with the exception of possession as provided for in point (f) of Article 3(2) and the offence referred to in point (i) of Article 3(2), is made punishable.

**COMP 5: Compromise on public provocation (covering AMs 6, 31, 99, 100, 105, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257)**

Recital 7

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, Member States should ensure that an information society service provider is not liable for the information transmitted or stored in accordance with relevant provisions of Directive 2000/31/EC on electronic commerce.

Article 5 (cf. FD 2002/475/JHA)

Public provocation to commit a terrorist offence

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available by any means, including the internet, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether directly or indirectly advocating the commission of terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

**COMP 6: Compromise on removing illegal content (covering AMs 3, 40, 72, 75, 78, 91, 92, 101, 102, 103, 104, 260, 315, 316, 367, 372)**

Recital 7a (new) (cf Directive on Combating the sexual abuse and sexual exploitation of children and child pornography)

(7a) An effective mean of combatting terrorism on the Internet is to remove illegal terrorist content at source. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States, such as detecting and flagging illegal content. Member States should take all

necessary measures to remove or to block access to webpages publicly inciting to commit terrorist offences. Where such measures are taken, they must be set by transparent procedures and provide adequate safeguards under the control of independent authorities. Member States should use their best endeavours to cooperate with third countries in seeking to secure the removal of such content from servers within their territory. However when removal of illegal content at its source is not possible, Member States may put in place measures to block access from the Union's territory to Internet pages identified as containing or disseminating terrorist content. Member States should consider legal action against internet and social media companies and service providers which refuse to comply with a request ~~by an authorized public body~~ to delete from their internet platforms illegal content or content extolling terrorism. Such non-compliance should be punishable with effective, proportionate and dissuasive sanctions. The right to judicial redress should be guaranteed to the internet and social media companies and service providers.

Article 14a (new) (cf Directive on Combating the sexual abuse and sexual exploitation of children and child pornography)

#### Article 14a

Measures against websites publicly inciting to commit a terrorist offence

1. Member States shall take the necessary measures to ensure the prompt removal of webpages publicly inciting to commit a terrorist offence, as referred to in Article 5, hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.
2. Member States may take measures to block access to webpages publicly inciting to commit a terrorist offence towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.

**COMP 7: Compromise on exchange of information (covering AMs 17, 47, 48, 79, 145, 150, 155, 156, 157, 159, 286, 288, 361, 362, 363, 365, 368, 369, 370, 373, 415)**

#### Recital 15a (new)

(15a) Information relevant to the detection, prevention, investigation or prosecution of the offences referred to in this Directive often concerns more than one Member State and may require urgent action. In order to prevent and combat terrorism, a closer cross-border cooperation among the competent national and European authorities is needed with regard to expedient exchange

of any relevant information from criminal and court records or other available sources on radicalized or violent and extremist individuals who are suspects of a criminal offence or who are or have been subject to criminal proceedings or asset freezing for any of the offences referred to in this Directive, including those that have been denied admission to the territory of a Member State or who have been deported on suspicion of involvement in crimes as referred to in this Directive. The competent national and Union authorities should therefore exchange in an efficient and timely manner this information while respecting applicable data protection legislation. Furthermore, Member States and their competent authorities should increase their utilisation of available systems and databases, provided for by ~~Europol, Eurojust and Interpol~~ relevant agencies, both in quantitative and qualitative terms, to enhance their prevention and counter-terrorism capabilities by sharing all relevant information and by conducting systematic strategic and operational analyses, in accordance with the applicable law and related safeguards.

#### Recital 15b (new)

(15b) Member States should strengthen the timely exchange of any available relevant information concerning persons travelling abroad for the purpose of terrorism and should systematically consider all cases involving the offences as set out in this Directive as adequate, relevant and important within the meaning of Article 21 of Council Decision 2007/533/JHA to enter an alert in the Schengen Information System. Furthermore, Member States should, as a rule, consider all cases involving the offences as set out in this Directive as relevant and necessary within the meaning of Article 9 of [Directive (EU) 2016/... of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime] to transmit all relevant PNR data, or the result of processing those data, to the other Member States concerned, in accordance with that Directive.

#### Article 21b (new)

##### Article 21b

##### Obligation to exchange information concerning terrorist offences

1. Each Member State shall take the necessary measures to ensure that its competent authorities transmit, without any prior request being necessary, in an effective and timely manner to the competent authorities of the Member State concerned any relevant information in cases where there are reasons to believe that the information could assist in the detection, prevention, investigation or prosecution of offences referred to in this Directive.

2. Each Member State shall take the necessary measures to ensure that its contact point designated under Article 2 of Decision 2005/671/JHA transmits in an effective and timely manner to Europol and Eurojust the information referred to in that Decision.

3. Member States shall systematically issue an alert in the Schengen Information System for any person who is suspected of having committed or who has been convicted of at least one of the offences referred to in Articles 3 to 14 of this Directive.

4. Member States shall ensure that, with regard to persons identified in accordance with Article 6(2) of [Directive (EU) 2016/... of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime] in connection to the offences as set out in this Directive, their Passenger Information Unit systematically transmits the result of processing those data to the Passenger Information Units of other Member States.

5. Member States shall systematically forward to Europol details of any person who is suspected of having committed or who has been convicted of at least one of the offences referred to in Articles 3 to 14 of this Directive.

6. This article is without prejudice to existing Union legislation on the exchange of information.

**COMP 8: Compromise on victims of terrorism (covering AMs 21, 22, 49, 50, 51, 52, 163, 164, 165, 166, 167, 168, 169, 171, 172, 173, 174, 175, 181, 336, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403)**

Recital 16

(16) Member States should ensure that the status of the victims of terrorism is adequately recognised before, during and after criminal proceedings and should adopt specific measures of protection, support and assistance, with respectful and fair treatment of the victims, responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council. Victims of terrorism are those defined in Article 2 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support, and any relevant legal, practical or financial information and advice and adequate aid. Member States should encourage specific training for persons responsible for assisting victims of terrorist acts, as well as granting the necessary resources to that effect. Furthermore, each member States should take into account the risks of intimidation and retaliation to victims and to



persons who may give testimony in criminal proceedings relating to terrorist offences. Victims of terrorism should also be granted legal aid in all Member States where they are parties to criminal proceedings or other legal proceedings to obtain a decision on compensation.

#### Recital 16a (new)

(16a) Member States should set up and develop a one-stop shop for information and advice for victims of terrorism, not merely to meet victims' needs on acquiring information and advice, but also to provide victims with psychological first aid and referral possibilities, as well as with assistance and support in dealing with media attention that the victims receive.

#### Recital 16b (new)

(16b) Member States should in full respect of freedom of expression, exchange best practices on how to deal with media and journalists in order to guarantee the protection of the private life of victims and their family members and to recognise the value of cooperating with specialised services for victims assistance and support in helping victims to deal with the media attention they receive;

#### Recital 17

(17) Member States should co-operate among each-other to ensure that access to information about the victims' rights, support services and compensation schemes is provided to all victims of terrorism. Moreover the Member States should ensure that victims of terrorism have access to a long-term support services in the country of their residence, even if the terrorist offence took place in another Member State.

#### Article 22

Title: Support and assistance to victims

##### Article 22, paragraph 1a (new)

1 a. In accordance with Directive 2012/29/EU, Member States shall ensure that measures are available to protect victims of terrorism and their family members. With this regard, in the course of criminal proceedings, particular attention shall be paid to the risk of intimidation and retaliation and to the need to protect the physical and mental integrity of victims of terrorism, including during questioning and testifying.

In addition, Member States shall ensure that free legal aid is provided to victims of terrorism who are parties to the criminal proceedings and, where appropriate, in other legal proceedings to obtain a decision on compensation.

#### Article 22, paragraph 2

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. They shall include in particular:

(a) medical and physical treatment, including counter-measures for nuclear, biological or chemical attacks, as well as emotional and psychological support, such as trauma support and counselling;

(b) provision of advice and information on any relevant legal, practical or financial matter.

#### Article 22, paragraph 2a (new)

3. Member States shall take the necessary measures in the framework of their emergency-response infrastructure to facilitate and improve the process of identifying victims immediately in the aftermath of a terrorist attack. In particular, Member States shall develop and coordinate a common assistance mechanism to be deployed upon request, such as on-site investigative support.

### **COMP 9: Compromise on investigative tools (covering AMs 15, 46, 152, 366)**

#### Recital 15a (new)

(15a) To ensure the success of investigations and prosecutions of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, the competent authorities responsible for investigating and prosecuting such offences should have the possibility to make use of effective investigative tools such as those used in combating organised crimes or other serious crimes. Such tools may include the search of any personal property or computer system, the interception of communications, covert surveillance including electronic surveillance, the taking and the fixing of audio recordings and visual images of persons in private or public vehicles and places, the monitoring of bank accounts and other financial investigations. Taking into account, inter alia, the principle of proportionality, the use of such tools, in

accordance with national law, should be commensurate with the nature and gravity of the offences under investigation.

Article 21c (new) (cf. Directive on preventing and combating trafficking in human beings and protecting its victims)

Article 21c

Investigative tools

Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases, are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 3 to 14.

#### **COMP 10: Compromise on electronic evidence (covering AMs 19, 20, 154, 160, 162)**

Recital 15b (new)

(15b) The fact that terrorist organisations rely heavily upon various electronic tools, the internet and social media to communicate, promote, and incite terrorist acts, to recruit potential fighters, to collect funds, or to arrange for other support for their activities, creates challenges in investigations and prosecutions of terrorist offences. Member States should therefore cooperate among each other notably through Eurojust and Europol and with the European Commission to ensure a coordinated approach in this field to improve the efficiency of dealing with the gathering, sharing, and admissibility of electronic evidence.

#### **COMP 11: Compromise on International humanitarian law (covering AMs 5, 16, 89, 94, 95, 206, 245, 246, 247, 240)**

Recital 6a (new)

(6a) This Directive should not have the effect of altering the rights, obligations, and responsibilities of Member States and organisations under international law, including under international humanitarian law. Actions by armed forces during periods of armed conflict, which are governed by international humanitarian law within the meaning of those terms under that law, and, inasmuch as they are governed by other rules of international law, actions by the armed forces of a state in the exercise of their official duties are not governed by this Directive.

Recital 6b (new)

(6b) the provision of humanitarian assistance by impartial humanitarian organisations recognised by international law should not be considered as contributing to the criminal activities of a terrorist group while taking into account the case law of the Court of Justice of the European Union according to which the applicability of international humanitarian law to a situation of armed conflict and to acts committed in that context does not exclude the application of laws on the prevention of terrorism to such “armed conflicts”.

**COMP 12: Compromise on fundamental rights (covering AMs 26, 53, 54, 187, 188, 189, 190, 191, 192, 194, 203, 204, 206, 258, 259, 360, 404, 405, 406, 408, 409, 410, 411, 412, 414, 417, 420, 421)**

Recital 19

(19) This Directive and its implementation should respect the principles recognised by Article 2 of the Treaty on the European Union, should respects fundamental rights and freedoms and should observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression, freedom of speech, freedom of information, freedom of association and freedom of thought, conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence and the right to a fair trial, the outcome of which is determined by the individual circumstances of the case, and the principles recognised in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC, recognising that exceptions may be made to the freedom of movement on the grounds of public policy or national security. Any limitation on the exercise of those rights and freedom shall be subject to the respect of the conditions enshrined in Article 52(1) of the Charter.

Recital 19a (new)

(19a) This Directive should not have the effect of requiring Member States to take measures which would result in any form of discrimination

Article 23b (new)

## Article 23b

### Fundamental Rights and Freedoms

1. In the transposition and implementation of this Directive Member States shall ensure that criminalisation shall be proportionate to the legitimate aims pursued and necessary in a democratic society, and shall exclude any form of arbitrariness or discrimination.

2. This Directive shall not have the effect of altering the obligation of Member States to respect fundamental rights enshrined in article 2 and 6 of the Treaty on the European Union and the Charter of Fundamental Rights of the European Union as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms and international humanitarian law, and shall be implemented and interpreted in accordance with these rights and principles.

## Recital 19b (new)

(19b) Nothing in this Directive should be interpreted as being intended to reduce or restrict the dissemination of information for the expression of an opinion or for scientific, academic or reporting purposes, as well as the expression of polemic or controversial views in the public debate on sensitive political questions.

## Article 23c (new)

### Article 23c

#### Fundamental principles relating to freedom of expression

This Directive shall not have the effect of requiring Member States to take measures in contradiction of fundamental principles relating to freedom of expression, in particular freedom of the press and the freedom of expression in other media and shall be without prejudice to national rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

**COMP 13: Compromise on procedural rights and effective remedies  
(covering AMs 55, 193, 287, 318, ~~319~~, 339, 360, 405, 416, 418)**

## Recital 19a (new)

(19a) Nothing in this Directive should be interpreted as being intended to reduce or restrict the Union acquis on procedural rights of suspects or accused persons in criminal proceedings including the directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings

Article 23d (new)

Article 23d

1. This Directive shall not have the effect of requiring Member States to take measures in contradiction with their obligations under Union law with regards to the procedural rights of suspects or accused persons in criminal proceedings.

2. Anyone whose rights and freedoms have unduly been violated in the application of the provisions of this Directive shall have the right to an effective remedy as enshrined in Article 47 of the Charter of Fundamental Rights.

**COMP 14: Compromise on receiving of training (covering AMs 32, 115, 269, 270, 271, 272, 273, 274, 275, 276, 277)**

Recital 9

(9) Wilfully receiving training for terrorism, including obtaining knowledge, documentation or practical skills, whether or not in the form of self study, complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the commission of terrorist offences, including those ultimately acting alone, and should be criminalised.

Article 8

Receiving training for terrorism

Member States shall take the necessary measures to ensure that to receive training or instruction, including by obtaining knowledge, documentation or practical skills, in the making or use of explosives, firearms or other weapons or noxious or hazardous substances or in other specific methods or techniques, for the purpose of committing or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

**COMP 15: Compromise on travelling (covering AMs 7, 33, 34, 106, 107, 108, 109, 110, 111, 112, 278, 279, 280, 281, 282, 283, 284, 285)**

Recital 8

(8) While it is not indispensable to criminalise the act of travelling as such, considering the seriousness of the threat and the need to, in particular, stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Such act should be criminalised under specific conditions and only when the terrorist purpose of the travel is proven by inferring, as much as possible, from objective, factual circumstances. Facilitating or organizing such travel should also be criminalised.

Article 9

Travelling abroad for the purpose of terrorism

Member States shall take the necessary measures to ensure that the travelling to a third country and the return from a third country to the EU with another country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence, when committed intentionally.

Member States shall take the necessary measures to ensure that the travelling to a country within the EU with the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence, when committed intentionally.